

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL.

No. 2:04-cv-1183 TLN DB P

Plaintiff,

ORDER

C.K. PLILER, et al.,

Defendants.

Plaintiff is a state prisoner proceeding with counsel in this civil rights action under 42 U.S.C. § 1983. Plaintiff moves for the attendance at trial of incarcerated witnesses. (ECF No. 112.) Defendants have not filed an opposition to plaintiff's motion.

The Court has discretion to grant a motion for the attendance of incarcerated witnesses if the moving party has shown the witnesses have relevant information and the Court determines the witnesses' presence will substantially further the resolution of the case. Wiggins v. County of Alameda, 717 F.2d 466, 468 n.1 (9th Cir. 1983). Plaintiff has demonstrated that three incarcerated witnesses, John Roseberry, Samuel Solomon, and Benjamin Washington, have personal knowledge of information that is relevant to the claims in this action.

Accordingly, and good cause appearing, IT IS HEREBY ORDERED that plaintiff's Motion for the Attendance of Incarcerated Witnesses (ECF No. 112) is granted. At the appropriate time,
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1 the court will issue separate writs of habeas corpus ad testificandum to secure the attendance of
2 Mr. Roseberry, Mr. Solomon, and Mr. Washington at trial.

3 Dated: November 28, 2017

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8 DEBORAH BARNES
9 UNITED STATES MAGISTRATE JUDGE
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